

AMENDED IN SENATE APRIL 3, 2006

SENATE BILL

No. 1842

Introduced by Senator Migden

March 2, 2006

An act to add Section 25351.05 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1842, as amended, Migden. ~~Sports—San Francisco sports stadium project validation.~~

Existing law authorizes the board of supervisors of a county to construct, expand, lease, build, rebuild, furnish, refurnish, or repair buildings for various public purposes, including, a stadium, coliseum, sports arena, or sports pavilion, or other building for holding sports events, athletic contests, contests of skill, exhibition, spectacles, and other public meetings. Existing law sets forth the procedures pursuant to which a public agency may bring or respond to an action in the superior court to determine the validity of matters undertaken by the public agency and generally authorized to be determined by the court. *Existing law permits a validation action only when bonds, warrants, contracts, and other obligations are authorized, which occurs when a governing body adopts the measure authorizing the issuance of the bonds or warrants, or approving the contract.*

This bill would authorize ~~a city and county in which a proposed sports stadium project is located~~ *the City and County of San Francisco* to bring an action at any time, whether before or after final approval ~~authorization~~ of the proposed sports stadium project, to determine the validity of any sports stadium project matter, as specified.

This bill would make legislative findings and declarations regarding the need for special legislation.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. ~~Section 25351.05 is added to the Government~~
2 ~~Code, to read:~~
3 ~~25351.05. (a) This section (a) This act shall be known and~~
4 ~~may be cited as the “Sports Stadium Project Validation~~
5 ~~Procedure.”~~
6 (b) As used in this section, the following definitions apply:
7 (1) “Sports stadium” means a stadium, arena, pavilion, or
8 other structures or buildings designed and intended primarily for
9 holding professional athletic events, including, but not limited to,
10 football, soccer, baseball, and basketball.
11 (2) “Sports stadium project” means a project that meets all of
12 the following:
13 (A) The project is proposed to be built in whole, or in part, on
14 real property that ~~the city and county~~ *City and County of San*
15 *Francisco* owns.
16 (B) The project was the subject of a voter-approved measure.
17 (C) The project involves the proposed development,
18 entitlement, site assembly, operation, maintenance, repair, use,
19 management, and financing of a sports stadium and any related
20 uses, including, without limitation, any residential, commercial,
21 parking, open space, and other mixed-use improvements and
22 infrastructure proposed to be developed in connection with a
23 sports stadium.
24 (3) “Sports stadium project matter” means any interpretation
25 or construction of, or findings or determination of authority
26 ~~relating to, any charter, ordinance, regulation, or other law of a~~
27 ~~city and county that is made by its legislative body or any other~~
28 ~~agency, commission, or officer of the city and county, or by the~~
29 ~~redevelopment agency for the city and county, with respect to a~~
30 ~~proposed sports stadium project, concerning the consistency of a~~
31 ~~sports stadium project with the provisions of any charter,~~
32 ~~ordinance, or declaration of policy adopted by the voters of the~~
33 *City and County of San Francisco and any related provisions of*

1 *local law, that is made by its legislative body or any other*
2 *agency, commission, or officer of the City and County of San*
3 *Francisco, even if the interpretation, construction, finding, or*
4 *determination is conditional or has not been given effect in any*
5 *final-approval authorization relating to the proposed sports*
6 *stadium project. The interpretation, construction, finding, or*
7 *determination may be set forth in a resolution of the legislative*
8 *body, agency, board, commission, or redevelopment agency of*
9 *the city and county or commission, or any other action provided*
10 *for under any charter, ordinance, regulation, or other law of the*
11 *city and county City and County of San Francisco or by other*
12 *applicable law.*

13 (c) Notwithstanding Sections 863 and 869 of the Code of Civil
14 Procedure, ~~a city and county in which a proposed sports stadium~~
15 ~~project is located~~ *the City and County of San Francisco may, at*
16 *any time, whether before or after final-approval authorization of*
17 *the proposed sports stadium project, bring an action pursuant to*
18 *Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of*
19 *the Code of Civil Procedure to determine the validity of any*
20 *sports stadium project matter. While the City and County of San*
21 *Francisco may bring an action authorized by this act before final*
22 *authorization of the proposed sports stadium project, any*
23 *discretionary authorization by the City and County of San*
24 *Francisco of the proposed sports stadium project, including the*
25 *construction of the sports stadium, shall remain subject to any*
26 *applicable requirements of the California Environmental Quality*
27 *Act (Division 13 (commencing with Section 21000) of the Public*
28 *Resources Code), and the action shall not include any*
29 *determination as to the compliance of the sports stadium project*
30 *with the requirements of the California Environmental Quality*
31 *Act, or any other matter that is not a sports stadium project*
32 *matter as defined above, including, but not limited to, the*
33 *Community Redevelopment Law (Part 1 (commencing with*
34 *Section 33000) of Division 24 of the Health and Safety Code).*

35 (d) *The Legislature finds and declares that a special law is*
36 *necessary and that a general law cannot be made applicable*
37 *within the meaning of Section 16 of Article IV of the California*
38 *Constitution because of the unique circumstances of the City and*
39 *County of San Francisco. The facts constituting the special*
40 *circumstances are:*

1 *The voters in the City and County of San Francisco approved*
2 *measures for the development of a new sports stadium and*
3 *complementary uses at Candlestick Point. Before undertaking*
4 *this major investment of money and resources as part of a*
5 *public-private development partnership, the City and County of*
6 *San Francisco needs to ensure that a proposed project at this site*
7 *is viable and consistent with the voter-adopted measures.*
8 *Because Chapter 9 (commencing with Section 860) of Title 10 of*
9 *Part 2 of the Code of Civil Procedure does not permit a*
10 *validation action until final authorization of a project, it is*
11 *necessary for the Legislature to enact special legislation that*
12 *allows for the City and County of San Francisco to bring an*
13 *action before the final authorization of the proposed sports*
14 *stadium project, to determine the validity of any sports stadium*
15 *project matter.*